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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,327	01/02/2002	Thomas J. Wheeler	0275Y-000388	7251

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/038,327	<b>Applicant(s)</b> WHEELER ET AL.	
	<b>Examiner</b> Clark F. Dexter	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on March 21, 2005 after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 3, 2005 has been entered.
2. Upon careful reconsideration, the indicated allowability of claims 16, 17, 20 and 24 is withdrawn. The new rejections are described below. Any inconvenience caused by this action is regretted, and applicant is invited to contact the Examiner to discuss this or any other outstanding issues.

### ***Drawings***

3. The drawings are objected to because in Figure 3, the depiction of the flat aperture wall 84 appears to be inaccurate; that is, it appears to slat upward rather than downward such that it would be consistent with the other drawings and the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 22-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, there does not appear to be sufficient support for the recitation "until said angularly disposed edge section contacts one of said pair of lateral walls" as set

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forth in claims 22 and 24. That is, there does not appear to be sufficient support for the side walls acting as a stop. Rather, support appears to be provided for the saw blade being inserted between the pair of walls until the tail section 80 abuts stop 72.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

6. Claims 16-19 and 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, line 9, the recitation "is in a plane angularly offset from" is vague and indefinite as to what is being set forth, particularly as to what plane is being described, and it is suggested to change this recitation to --extends at an oblique angle relative to-- or the like.

In claim 18, line 10, the recitation "is in a plane angularly offset by an acute angle from" is vague and indefinite as to what is being set forth, particularly as to what plane is being described, and it is suggested to change this recitation to --extends at an acute angle relative to-- or the like.

In claim 21, lines 1-2, the recitation "said flat rear edge of said aperture" lacks antecedent basis.

In claim 22, lines 10-11, the recitation "is in a plane angularly offset from" is vague and indefinite as to what is being set forth, particularly as to what plane is being described, and it is suggested to change this recitation to --extends at an oblique angle relative to-- or the like; in lines 12-13, the recitation "until said angularly disposed edge

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section contacts one of said pair of lateral walls” is vague and indefinite as to what is being set forth.

In claim 24, lines 12-13, the recitation “until said angularly disposed edge section contacts one of said pair of lateral walls” is vague and indefinite as to what is being set forth.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 18, 22 and 25, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Holzer, Jr., pn 5,103,565.

Holzer discloses a saw blade (e.g., 32) with every structural limitation of the claimed invention including an angularly disposed edge section (e.g., at the rightmost end of 32).

9. Claim 18 and 22, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Langhoff, pn 5,306,025.

Langhoff discloses a saw blade (e.g., 4) with every structural limitation of the claimed invention including an angularly disposed edge section (e.g., at the uppermost end of 14 as shown in Figure 6).

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Regarding claim 22, Langhoff discloses a pair of lateral walls (e.g., 22 and/or 23) that are integrally connected to one another by a base portion extending therebetween.

10. Claim 18 and 22, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Wright, pn 5,433,457.

Wright discloses a saw blade (e.g., 50, 150, 302) with every structural limitation of the claimed invention including an angularly disposed edge section (e.g., 64, 314).

Regarding claim 22, Wright discloses a pair of lateral walls (e.g., 88, unmarked but shown in Figures 10, 11) that are integrally connected to one another by a base portion extending therebetween (32; unmarked but shown in Figure 10).

#### New Prior Art Rejections

11. Claim 18, 22 and 25, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Atkinson et al., pn 3,033,251.

Atkinson discloses a saw blade (e.g., 110; see Fig. 5) with every structural limitation of the claimed invention including a cutting portion having a cutting edge (e.g., 114) and a back edge (e.g., 113); a shank portion having a first edge (e.g., the bottom edge in Fig. 5) and a second edge (e.g., the top edge in Fig. 5), wherein the second edge is stepped as claimed, and wherein the second edge includes an angularly disposed edge section (e.g., at least the top right edge portion of the shank portion as viewed in Fig. 5).

12. Claims 18, 19, 22, 23 and 25, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Beale, pn 3,977,287.

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Beale discloses a saw blade with every structural limitation of the claimed invention including a cutting portion having a cutting edge (e.g., 46) and a back edge (e.g., 44); a shank portion having a first edge (e.g., the right edge in Fig. 2) and a second edge (e.g., the left edge in Fig. 2), wherein the second edge is stepped as claimed, and wherein the second edge includes an angularly disposed edge section (e.g., the angled edge on either the top left or bottom left of the wider part of the shank portion as viewed in Fig. 2), and wherein the shank portion includes an aperture with a flat rear edge (e.g., at 38).

***Claim Rejections - 35 USC § 102/103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35



U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claim 25, as understood, is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Langhoff, pn 5,306,025.

Langhoff discloses a saw blade (e.g., 4) with every structural limitation of the claimed invention including an angularly disposed edge section and a mounting edge perpendicular thereto (e.g., at the uppermost end of 14 as shown in Figure 6).

In the alternative, if it is argued that Langhoff does not disclose a mounting edge perpendicular to the angularly disposed edge section as claimed, the Examiner takes Official notice that such shank configurations are old and well known in the art and provide various well known benefits including a simple configuration that efficiently and effectively holds the saw blade in place. For example, it is well known in the art to make the angularly disposed edge sections of a blade such as that shown in Figure 6 at an angle of 45 degrees with respect to the cutting edge and back edges (thus being perpendicular to each other). Therefore, it would have been obvious to one having ordinary skill in the art to provide such a support structure for the saw blade of Langhoff for the well known benefits including those described above.

#### ***Claim Rejections - 35 USC § 103***

15. Claim 19 and 23, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Holzer, Jr., pn 5,103,565 in view of Tseng, pn 5,664,792.

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Holzer discloses a saw blade (e.g., 32) with almost every structural limitation of the claimed invention but lacks the shank portion having an aperture with a flat rear edge. However, the Examiner takes Official notice that such apertures are old and well known in the art and provide various known benefits including facilitating mounting and dismounting of the saw blade. Tseng discloses one example of such an aperture. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an aperture on the saw blade of Holzer for the well known benefits including that described above.

16. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langhoff, pn 5,306,025 in view of Tseng, pn 5,664,792.

Langhoff discloses a saw blade (e.g., 4) with almost every structural limitation of the claimed invention but lacks the shank portion having an aperture with a flat rear edge. However, the Examiner takes Official notice that such apertures are old and well known in the art and provide various known benefits including facilitating mounting and dismounting of the saw blade. Tseng discloses one example of such an aperture. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an aperture on the saw blade of Langhoff for the well known benefits including that described above.

17. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright, pn 5,433,457 in view of Tseng, pn 5,664,792.

Wright discloses a saw blade (e.g., 50, 150, 302) with almost every structural limitation of the claimed invention but lacks the shank portion having an aperture with a

flat rear edge. However, the Examiner takes Official notice that such apertures are old and well known in the art and provide various known benefits including facilitating mounting and dismounting of the saw blade. Tseng discloses one example of such an aperture. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an aperture on the saw blade of Wright for the well known benefits including that described above.

#### New Prior Art Rejections

18. Claims 16, 17, 19-21, 23 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson et al., pn 3,033,251 in view of Tseng, pn 5,664,792.

Atkinson discloses a saw blade (e.g., 110; see Fig. 5) with almost every structural limitation of the claimed invention including an aperture (e.g., 116) that is extends parallel to the angularly disposed edge, but lacks the aperture having a flat rear edge. However, the Examiner takes Official notice that such apertures are old and well known in the art and provide various known benefits including facilitating mounting and dismounting of the saw blade. Tseng discloses one example of such an aperture, wherein such an aperture configuration is provided to take advantage of tool fixing mechanisms such as that disclosed by Tseng. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an aperture on the saw blade of Atkinson for the well known benefits including that described above. It is noted that modifying the aperture (e.g., 116) of Atkinson by providing a flat rear edge such as that

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taught by Tseng would result in that flat rear edge being perpendicular to the side walls of the aperture and thus perpendicular to the angularly disposed edge of Atkinson.

### ***Response to Arguments***

19. Applicant's arguments filed February 2, 2005 have been fully considered but they are not persuasive. For example, the Examiner respectfully submits that each of the patents used to reject the claims over 35 USC 102(b) disclose all of the structural limitations of the claimed invention as further described in the prior art rejections above. For example, each of the subject rejections includes a specific explanation of which feature is the angularly disposed edge section. Further, each of the patents discloses a second edge that is stepped so as to be laterally offset from the back edge of the cutting portion.

20. Further, Applicant's arguments with respect to the claims are moot in view of the new ground(s) of rejection.


### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
June 24, 2005